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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,403	02/17/2004	Thierry Lucidarme	MTR.0050US	1322
21906 7590 06/29/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			06/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/780,403	LUCIDARME, THIERRY	
	Examiner	Art Unit	
	TAN TRINH	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05-17-2004 and 11-03-2004 the information disclosure statement has been considered by the examiner.

Specification

2. Claim 11 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
3. Claims 11-14 and 28-31 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims of claims 3, 5, 7 and 10, 20, 22, 24 and 27. See MPEP § 608.01(n). Accordingly, the Claims 11-14 and 28-31 not been further treated on the merits.
Claim 11. "Method according to ***claims 3 and 10***, in which the ---") is not permitted).
Claim 12. "Method according to ***claims 3 and 10***, in which the ---") is not permitted).
Claim 13. "Method according to ***claims 5 and 10***, in which the ---") is not permitted).
Claim 14. "Method according to ***claims 7 and 10***, in which the ---") is not permitted).
Claim 28. " Radio network controller according to ***claims 20 and 27***, in which the ---") is not permitted).

Claim 29. “ Radio network controller according to *claims 20 and 27*, in which the ---”) is not permitted).

Claim 30. “ Radio network controller according to *claims 22 and 27*, in which the ---”) is not permitted).

Claim 31. “ Radio network controller according to *claims 24 and 27*, in which the ---”) is not permitted).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-6, 9-10, 15-20, 22-23, 26-27 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (U.S. Pub. No. 20030069027) in view of Moreau (U.S. Patent No. 5913168).

Regarding claims 1 and 18, Heinonen teaches a method of controlling a mode of reporting of measurements made on a radio interface between a mobile terminal and a cellular radio network infrastructure (see fig. 3, page 1, section [0009]), the infrastructure comprising at least one radio network controller (BCS 32) and fixed transceivers (BTS 31), the method comprising the following steps: measuring parameters of radio propagation between the mobile terminal and at least one of the fixed transceivers (see fig. 3, page 1, sections [0003-0004 and 0009] and page 2 section [0027]); transmitting to the radio network controller report messages

indicating at least a part of the measured parameters (see page 1, section [0010]). In this case, the network received for a parameter set, that is transmitting from the matrix formed of the radio interface. But Heinonen does not mention in accordance with a mode of reporting specified by the radio network controller; obtaining an estimate of speed of movement of the mobile terminal at the radio network controller; and processing the report messages at the radio network controller so as to determine, by taking account of the said estimate of speed, a mode of reporting to be specified for a part at least of the report messages.

However, Moreau teaches In the particular case of GSM networks, the measurements made by the mobile are transmitted to the network over the SACCH uplink channel (MEASUREMENT REPORT message) every 480 ms (or every 960 as if the current service is the short-messages service). The measurements taken by the base station (BTS) to which the mobile is attached are added to those received in the MEASUREMENT REPORT message from the mobile, in order to form the MEASUREMENT RESULT message which is sent to the base station controller (BSC). This instant is estimated on the basis of an extrapolation of the DISTANCE parameter included in the MEASUREMENT REPORT message, deduced from the TIMING ADVANCE parameter necessary for TDMA operation. And Moreau also teaches in the context of the method for controlling HO in a multi-cellular network, *the speed estimation mode* of FIG. 3 has the advantage of allowing adequate treatment of the street corner effects. When the mobile turns the corner of a street the drop in the field level which it receives from its serving base station is abrupt, typically of 20 to 30 dB. If the number of average values available and above the threshold S is sufficient to allow the speed to be estimated, this estimate will be relatively reliable to the extent that it will be based on measurements made prior to the street-

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corner effect (see col. 2, lines 64-col. 3, line 7 and lines 17-24, and col. 13, lines 25-34) In this case, the speed estimation mode it take to a account for a mode of reporting to be specified for a part at least of the report messages when the mobile turns the corner of a street the drop in the field level which it receives from its serving base station is abrupt.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Heinonen with Moreau on the report message, thereto in order to distinguish between the slow fading affecting a rapid mobile and the rapid fading affecting a slow mobile (see suggested by Moreau on col. 3, lines 30-33).

Regarding claim 2, Moreau teaches in which the speed estimate is calculated on the basis of the radio propagation parameters measured, and is included in a report message so as to be obtained at the radio network controller (see col. 2, lines 34-47 and lines 63-67, and col. 3, lines 1-7).

Regarding claim 3, Moreau teaches the determination of the mode of reporting comprises the selection between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), and Heinonen teaches a transmission of the report messages upon event detection (see page 1, section [0010] on measuring the events corresponding to the respective parameter sets). In this case, the combination of Moreau and Heinonen is teaching the limitation of the claim.

Regarding claims 5 and 22, Moreau teaches the determination of the report mode comprises, in the case of a periodic transmission of the report messages, the selection of the period of transmission of the messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7).

Regarding claims 6 and 23, Moreau teaches the period of transmission selected is a decreasing function of the estimate of the speed of movement of the mobile terminal (see col. 14, lines 48-54).

Regarding claims 9 and 26, Moreau teaches in which certain at least of the measured parameters indicated in the report messages for at least one fixed transceiver comprise data representative of a temporal variability of an energy level received over the channel between the mobile terminal and the said fixed transceiver (see col. 2, lines 29-52).

Regarding claims 10 and 27, Moreau teaches in which the processing of the report messages to determine the report mode takes account moreover of the data representative of the temporal variability (see col. 3, lines 17-55). In this case, the temporal variability is the mobile board on train and pass through the tunnel.

Regarding claims 13 and 30, Moreau teaches in which the period of transmission selected is a decreasing function of the temporal variability of the energy level (see col. 14, lines 48-54).

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Regarding claims 15 and 32, Moreau teaches in which the measurement of the radio propagation parameters is at least in part performed in the mobile terminal (see col. 2, lines 35-41), the report message comprising up going messages sent by the mobile terminal to the infrastructure of the network (see col. 2, lines 64-67).

Regarding claims 16 and 33, Heinonen teaches in which the measurement of the radio propagation parameters is at least in part performed in one of the fixed transceivers (see fig. 3, page 1, sections [0003-0004 and 0009] and page 2 section [0027]), the report messages comprising messages sent by the said fixed transceiver to the radio network controller (see page 1, section [0010]). In this case, the network received for a parameter set, that is transmitting from the matrix formed of the radio interface.

Regarding claims 17 and 34, Moreau teaches in which the processing of the report messages to determine the report mode takes account moreover of a service whose scope encompasses a communication between the mobile terminal and at least one of the fixed transceivers (see fig. 1, col. 3, lines 17-col. 4, lines 4).

Regarding claim 19, Moreau teaches for obtaining an estimate of speed of movement of the mobile terminal comprise means for calculating the speed estimate on the basis of the radio propagation parameters measured and means for receiving a report message including said speed estimate (see col. 11, lines 33-48).

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Regarding claim 20, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), and Heinonen teaches a transmission of the report messages upon event detection (see page 1, section [0010] on measuring the events corresponding to the respective parameter sets). In this case, the combination of Moreau and Heinonen is teaching the limitation of the claim.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
June 20, 2007

PATENT EXAMINER
TRINH, TAN

A handwritten signature in black ink, appearing to read 'Trinh Tan', with a long horizontal flourish underneath.